

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: Saddozai Shikeb

(Last)

(First)

Prisoner Number: AV1590Institutional Address: San Quentin State PrisonSan Quentin California 94974FILED
SEP 17 2018
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Shikeb Saddozai

(Enter your full name.)

vs.

Ron Davis Warden San Quentin
State Prison, et al

(Enter the full name(s) of the defendant(s) in this action.)

CV 18 5558

Case No. _____
(Provided by the clerk upon filing)COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. § 1983

BLF

(PR)

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.A. Place of present confinement San Quentin State PrisonB. Is there a grievance procedure in this institution? YES ☒ NO ☐C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: On or about August 7th 2018 Saddozaisubmitted EDCR 602 appeal, and August 10th 2018 appeal
was rejected leaving Saddozai no remedies

2. First formal level: On or about August 9th 2018, Saddozai submitted CDCR 602 appeal for religious services and it was rejected August 10, 2018

3. Second formal level: On or about August 27 2018, Saddozai filed CDCR 602 appeal for misuse of forces and on or of August 28, 2018, appeal was rejected leaving Saddozai no remedy

4. Third formal level: On or about August 30, 2018, Saddozai filed CDCR 602 appeal for misconduct by a correction officer and, August 30, 2018 appeal was rejected.

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ☐

F. If you did not present your claim for review through the grievance procedure, explain why.

II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

Shikeb Saddozai, San Quentin State Prison, San Quentin California 94974

B. For each defendant, provide full name, official position and place of employment.

Ron Davis, Warden, San Quentin State Prison

Clawson, Correctional officer, San Quentin State Prison

Malikian, Correctional officer, San Quentin State Prison

C. Smith, Correctional officer, San Quentin State Prison

Serrantino, Correctional officer, San Quentin State Prison

Prieto, Correctional officer, San Quentin State Prison

Herrera, Sergeant Correctional officer, San Quentin State Prison

III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

Plaintiff Shikeb Saddozai upon transfer on of July 30, 2018 from prior institute was classified as "Protective Custody" and transported with protective custody inmates to San Quentin State Prison (S.Q.S.P). On or about August 3rd 2018, Saddozai filed a complaint CDCR 602 Appeal because Correctional Officers in relieving, separated Saddozai from protective custody inmates, and placed him in a single man cage (cage C1) commonly known as the "dummy cage" without toilet or water access while designating other inmates in tanks adequate
(continue to page 4)

IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

(see page 12 for Relief)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: 08-29-2018

Date

Saddozai
Signature of Plaintiff

1 in space accessible with toilets and sinks for
2 water. Saddozai was forced to stand as a
3 result of inadequate space, and made to eat
4 inside cage, under unsanitary conditions with
5 extreme discomfort, restricted from movement
6 and access to toilet and water over a ten hour
7 period. Correctional Officers Hutall, Hill, and
8 Sergeant Gaitan denied Saddozai's repeated pleas
9 for help and multiple request for CDCR 602 appeal
10 to redress his grievances. Saddozai was transferred
11 out with non-protective custody inmates to a general
12 population housing thereby deliberately placing
13 Saddozai in immediate fear of his safety, and security
14 out of retaliation for attempting to initiate a complaint,
15 and withheld Saddozai's legal, religious, and personal
16 property, while allowing other inmates in possession of
17 their property out of deliberate indifference to
18 obstruct Saddozai in pending legal litigations and
19 deadlines affecting his personal liberty. Saddozai
20 filed CDCR 602 appeal on or about August 9th 2018
21 that went unresolved. This is a violation of
22 Saddozai's First, Sixth, Eighth, and
23 Fourteenth Amendment of U.S. Constitution
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Statement of Claim.

Plaintiff Shikeb Saddozai while in the custody of San Quentin State Prison on or about August 2nd, 2018 Correctional Officer Malikian threatened Saddozai with violence in the presence of other inmates stating "he would beat and batter Saddozai, and make his life miserable in prison out of retaliation for Saddozai requesting a CDCR 602 appeal form and medical slips which were repeatedly denied to him to prevent Saddozai from initiating a complaint about his unsanitary conditions of confinement restricting him from keeping clean thereby preventing him from practicing his religious faith and health habits essential to the maintenance of Saddozai's physical and mental well being. Saddozai is denied fresh air, exercise, grooming nor given means to shower or keep living quarters clean daily for lack of cleaning supplies within the meaning of Title 15 § 3060., 3061., 3062., thereby causing Saddozai to incur untreated painful skin rashes and infections. Saddozai filed CDCR 602 appeal on or about August 7th 2018 and was rejected without remedy thus violating Saddozai's First and Eighth Amendment rights of the U.S. Constitution.

Statement of Claim.

Plaintiff Shikeb Saddozai while in the custody of San Quentin State Prison on or about July 31st 2018 made request to the chaplin through CDCR 22 Form for religious muslim meals, holy quran, and to attend muslim religious services that went unanswered. Saddozai than Filed a CDCR 602 appeal on or about August 9th 2018 that was rejected without remedy. Correctional Officers within San Quentin State Prison made no reasonable efforts to continue Saddozai's on going religious meals upon his transfer from prior institution pursuant to Title 15 § 3054.(a),(b),(c) thus restricting Saddozai from practicing his muslim religious faith, nor made accommodations for Saddozai to attend scheduled religious services within the meaning of Title 15 § 3210.(a) and The Religious Land Use Institutionalized Persons Act, thereby violating Saddozai's First Amendment and free exercise clause of the U.S. Constitution.

Statement of Claim

Plaintiff Shikeb Saddozai while in custody of San Quentin State Prison on or about August 14th 2018, Saddozai was repeatedly beaten and battered by three inmates; Lorm, Sumisaki, and Esquivel. Correctional Officer Clawson in his negligence failed to protect Saddozai, and shot him with his block gun on his lower right side body as he was being assaulted by inmates. Saddozai did not refuse medical care and no immediate doctors attention, or medician was provided upon Saddozai's multiple request for medical care, for his pain, suffering, and sustained injuries to his body, thereby impairing his life activities. Saddozai was provided incident report labling him the victim, however he was placed in Administrative-Segregation-Unit (A.S.U.) unrelated to misconduct or criminal activity; denied equal rights and privileges to programs, law library, education fresh air, and exercise in accordance with Title 15 § 3044., 3190.(b), 3331.(h), nor was Saddozai provided ability to maintain personal hygiene to shower, exchange of clean linen and clothes and in keeping living quarters clean within the meaning of Title 15 § 3060., 3061., 3062.; thereby causing Saddozai to incur untreated, painful, skin rashes and infections. Saddozai was deprived of his legal and religious materials including purchased canteen food and hygiene during pending legal litigations, and appeal deadlines while under Non-Disciplinary-Status, and grossly unequal -

(Continue to page 8

1 to other inmates in (A.S.U) who are in possession
2 of their legal and religious properties with
3 disciplinary violations. On or about August
4 16th, and 21st, 2018 Saddozai submitted
5 CDCR 22 Form for the return of property
6 that went unresolved and August 27, 2018
7 Saddozai filed CDCR 602 appeal to be afforded
8 equal rights and privileges which was rejected
9 leaving Saddozai no remedies to obvious
10 violations to his First, Sixth, Eighth, and
11 Fourteenth Amendment rights to the U.S. Constitution.
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Statement of Claim

Plaintiff Shikeb Saddozai while in the custody of San Quentin State Prison, filed EDCR 602 appeal on or about August 28th 2018, because Saddozai is denied access to prison law library when he was approved and granted priority Legal User status (P.L.U) on of August 8th 2018. Facility has failed to follow guidelines set forth pursuant to Title 15 § 3123., that physical law library access be provided with entry into facility law library for the purpose of using legal resources with a minimum of Four (4) hours per calendar week be made available, and shall be given higher priority to law library resources. Saddozai submitted multiple request on of August 10th, 13th, 24th, 31st, and September 3rd 2018 that went unanswered, nor were legal materials provided through delivery to Saddozai by Library staff who had advance knowledge of Saddozai's pending legal litigations and deadlines and continued depriving Saddozai access to legal resources while affording other inmates within the same housing unit access to law library, thereby causing Saddozai immediate irreparable damage to his defense while on appeal thus affecting his personal liberty and in violation of Saddozai's Sixth and Fourteenth Amendment rights of the U.S. Constitution.

Statement of Claim .

Plaintiff Shikeb Saddozai while in the custody of San Quentin State Prison, Saddozai filed a CDCR 602 appeal on or about August 29th 2018, because Correctional officer Malikian responsible for collecting Saddozai's property from his assigned cell on or August 14th 2018 deliberately destroyed and removed legal documents and Islamic religious materials, outside Saddozai's presence, out of retaliation to Saddozai's complaints, and because the following legal documents related to Saddozai's pending legal litigations while on appeal Correctional officer Malikian obstructed Saddozai's access to the courts thereby affecting his personal liberty. Upon Saddozai taking inventory of his property he discovered Correctional officer Malikian had also removed canteen purchased food with receipts, property inventory receipts, address book, legal mail, and stationary supplies to thwart Saddozai from initiating a complaint. This is in violation of Saddozai's First, Sixth, Eighth Amendment rights of the U.S. Constitution.

Statement of Claim .

Plaintiff Shikeb Saddozai while in the custody of San Quentin State Prison, filed a CDCR 602 appeal on or about August 30th 2018, because Correctional Officer Prieto had Saddozai sign for his legal mail and after inspecting, and approving contents, failed and refused providing Saddozai his legal materials without merit consisting of paper, stamps, envelopes, and pens acceptable within Institution pursuant to Title 15 § 3134. (a), and necessary for communication with counsel on pending, legal, litigations and deadlines. Correctional Officer C. Smith, threatened Saddozai with violence stating "Go to your fucking cell motherfucker and fuck you bitch" in an officious tone of voice and fighting stance, with his hands clenched in a fist upon Saddozai's request for CDCR 602 appeal form to prevent Saddozai from initiating a complaint. Saddozai's legal materials are continued to be withheld which included a legal correspondence enclosed within the privileged mail was reviewed without Saddozai's consent outside his presence and access by multiple officers and Sergeant Herrera, thus violating his attorney-client-privileges, and his First, Sixth, Eighth and Fourteenth Amendments of the U.S. Constitution.

PRAYER FOR RELIEF.

WHEREFORE Plaintiff respectfully pray that this court enter judgement,

1. Granting Plaintiff Shikeb Saddozai a declaration that the acts and omissions described herein violate his rights under the Constitution, and laws of the United States.

2. A preliminary and permanent injunction ordering defendants San Quentin State Prison Correctional Officers to cease their physical violence, threats, harassments, to be randomly drug tested and that surveillance cameras be placed in all inmate housing units, medical, and staff offices.

3. Granting Plaintiff Saddozai compensatory damages in the amount of \$ 3,000,000.00 against each defendant jointly and severally.

4. Plaintiff Saddozai seeks punitive damages in the amount of \$ 3,000,000.00 against each defendant, jointly and severally.

5. Plaintiff also seek a jury trial on all issues triable by jury,

6. Plaintiff also seek recovery of their costs in this suit, and

7. Any additional relief this court deems just, proper, and equitable.

I Declare under penalty of perjury that the foregoing is true and correct

Executed on September 2nd, 2018

S. Saddozai